

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

James Ernest Devore, Jr.,)	
)	Civil Action No.: 1:16-cv-03659-JMC
Plaintiff,)	
)	
v.)	ORDER
)	
Nancy A. Berryhill, Acting)	
Commissioner of Social Security)	
Administration, ¹)	
)	
Defendant.)	
_____)	

This matter is before the court on Plaintiff James Ernest Devore, Jr.’s (“Plaintiff”) Motion for Attorney’s Fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d). (ECF No. 19.) In a Response, filed on August 10, 2017, Defendant Nancy A. Berryhill (“Defendant”) agreed that Plaintiff should be awarded \$4,077.77 in attorney’s fees. (ECF No. 21 at 1.) After reviewing Plaintiff’s Motion and Defendant’s Response, the court finds that the stipulated request for fees is reasonable.

In accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010), EAJA fees awarded by this court belong to the litigant, thus subjecting EAJA fees to be offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Therefore, the court directs that fees be payable to Plaintiff and delivered to Plaintiff’s counsel. The amount of attorney’s fees payable to Plaintiff will be the balance of stipulated attorney’s fees remaining after subtracting the amount of Plaintiff’s outstanding federal debt. If Plaintiff’s outstanding federal debt exceeds the amount of attorney’s

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is substituted for Carolyn Colvin as the named defendant because she became the Acting Commissioner of Social Security on January 23, 2017.

fees under the stipulation, the stipulated amount will be used to offset Plaintiff's federal debt and no attorney's fees shall be paid. (*See* ECF No. 21.)

After a thorough review of Plaintiff's Motion (ECF No. 19) and Defendant's Response (ECF No. 21), the court **GRANTS** Plaintiff's Motion for Attorney's Fees (ECF No. 19), and Plaintiff shall be awarded \$4,077.77 in attorney's fees.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

October 6, 2017
Columbia, South Carolina